City of San Diego
Development Services

Land Development
Review Division
(619) 446-5460

Mitigated Negative Declaration

Project No. 47248

SUBJECT: **LOS PENASQUITOS LAGOON BASIN:** COASTAL DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT to construct a wetland protection and restoration basin with a new headwall and outlet pipe at the west end of the new basin. The proposed project is located east of Vista Sorrento Parkway and north of Sorrento Valley Boulevard, on the north bank of Los Penasquitos Creek adjacent to the business park along Sorrento Valley Boulevard, within the Coastal Zone, Torrey Pines Community Planning Area, and the Los Penasquitos Canyon Preserve. Applicant: Los Penasquitos Lagoon Foundation.

UPDATE: The mitigation measures for Biological Resources have been amended. No new significant impacts were identified. The amendments were made for clarification purposes in response to comment letters received during the public review period. Additions are shown as underline and deletions are shown as ~~strikeout~~.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect. Subsequent revisions in the project proposal create the specific mitigation identified in Section V. of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

As conditions of the COASTAL DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT, the following mitigation measures are required to reduce potentially adverse impacts to paleontological resources, historical resources (archaeology), and biological resources due to project implementation.

PALEONTOLOGICAL RESOURCES

Prior to Preconstruction Meeting

1. *Land Development Review (LDR) Plan Check*

   Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

2. *Letters of Qualification have been Submitted to the ADD*

   Prior to the recordation of the first final map, NTP, or any permits, including but not limited to, issuance of the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

3. *Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)*

   a. At least thirty days prior to the Preconstruction (Precon) Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.

   b. MMC will provide Plan Check with a copy of both the first and second letter.

4. *Records Search Prior to Precon Meeting*

   At least thirty days prior to the Precon Meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

Preconstruction Meeting

1. *Monitor Shall Attend Precon Meetings*

   a. Prior to the beginning of any work that requires monitoring, the Applicant shall

arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.

b. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2. *Identify Areas to be Monitored*

At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.

3. *When Monitoring Will Occur*

Prior to the start of work, the Paleontologist also shall submit a construction schedule to MMC through the RE, or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. *Monitor Shall be Present During Grading/Excavation*

The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.

2. *Discoveries*

a. Minor Paleontological Discovery

In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.

b. Significant Paleontological Discovery

In the event of a significant paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist with Principal Investigator (PI) level evaluation responsibilities shall also immediately notify

MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

3. *Night Work*

a. If night work is included in the contract

(1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

(2) The following procedures shall be followed:

(a) No Discoveries

In the event that nothing was found during the night work, the PI will record the information on the Site Visit Record Form.

(b) Minor Discoveries

(1) All Minor Discoveries will be processed and documented using the existing procedures under **During Construction** (see Section 2. *Discoveries*, Subsection a.), with the exception that the RE will contact MMC by 9 A.M. the following morning.

(c) Potentially Significant Discoveries

(1) If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction** (see Section 2. *Discoveries,* Subsection b.), will be followed, with the exception that the RE will contact MMC by 9 A.M. the following morning to report and discuss the findings.

b. If night work becomes necessary during the course of construction

(1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

(2) The RE, or BI, as appropriate, will notify MMC immediately.

c. All other procedures described above will apply, as appropriate.

4. *Notification of Completion*

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

1. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

a. Submit Letter of Acceptance from Local Qualified Curation Facility.

The Paleontologist shall be responsible for submittal of a letter of acceptance to the ADD of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

b. If Fossil Collection is not Accepted, Contact LDR for Alternatives

If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

c. Recording Sites with San Diego Natural History Museum

The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum

d. Final Results Report

(1) Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.

(2) MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

HISTORICAL RESOURCES (ARCHAEOLOGY)

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check

a. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) of LDR shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

2. Letters of Qualification have been submitted to ADD

a. Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program. **If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.**

3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)

    a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.

    b. MMC will provide Plan Check with a copy of both the first and second letter.

4. Records Search Prior to Precon Meeting

    a. At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

1. Monitor Shall Attend Precon Meetings

    a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

    b. If the Monitor is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

    c. Identify Areas to be Monitored

    At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.

3. When Monitoring Will Occur

    a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. Monitor Shall be Present During Grading/Excavation
   a. The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

2. Discoveries

   a. Discovery Process

      In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI ,as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.

   b. Determination of Significance

      The significance of the discovered resources shall be determined by the PI in consultation with LDR and the Native American Community, if applicable. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

3. Human Remains

   a. If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:

   b. Notification

      (1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC and the PI if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).

      (2) The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

   c. Isolate discovery site

      (1) Work will be redirected from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.

(2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.

(3) If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.

d. If Human Remains are determined to be Native American

(1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.

(2) The NAHC will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination.

(3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

(4) The PI will coordinate with the MLD for additional coordination.

(5) Disposition of Native American human remains will be determined between the MLD and the PI, IF:

(a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;

(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner or their authorized representative shall re-inter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.

e. If Human Remains are **NOT** Native American

(1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

(2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

(3) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner and the Museum of Man.

4. Night Work

   a. If night work is included in the contract

      (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

      (2) The following procedures shall be followed.

         (a) No Discoveries
         In the event that nothing was found during the night work, the PI will record the information on the Site Visit Record Form.

         (b) Potentially Significant Discoveries
         If the PI determines that a potentially the exception that the PI will contact MMC by 8AM the following morning to report and discuss the findings.

   b. If night work becomes necessary during the course of construction

      (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

      (2) The RE, or BI, as appropriate, will notify MMC immediately.

   c. All other procedures described above will apply, as appropriate.

5. Notification of Completion

   a. The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance

   a. The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; prior to the release of the grading bond, the PI shall submit a letter of acceptance from the curation institution to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

   b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.

2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)

a. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Archaeological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.

b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.

c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

2. Recording Sites with State of California Department of Park and Recreation

The Archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Results Report.

BIOLOGICAL RESOURCES

A letter shall be submitted to the Mitigation Monitoring and Coordination (MMC) section prior to the commencement of any maintenance activities occurring during the breeding season for Least Bell's Vireo (March 15 through September 15) and/or Southwestern Willow Flycatcher (May 1 through September 1).

Prior to the issuance of any grading permits and/or the first pre-construction meeting, the applicant shall provide a letter to the Assistant Deputy Director (ADD) of Land Development Review verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:

A. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the Mitigation Monitoring and Coordination (MMC) section which includes the name and contact information of the biologist and the names of all persons involved in the Biological Monitoring of the project.

B. At least thirty days prior to the pre-construction meeting, the qualified biologist shall verify that any special reports, maps, plans and timelines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

C. The qualified biologist (project biologist) shall attend the first preconstruction meeting.

D. All construction or maintenance activities shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall direct the placement of temporary fencing (with silt barriers) delineating the limits of project impacts (including construction staging areas and access

routes) to prevent habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. Temporary construction fencing shall be removed upon project completion. The project biologist shall provide a letter to MMC that limits of potential disturbance have been surveyed, staked, and that the construction fencing is installed properly. The project biologist shall monitor construction or maintenance activities to ensure that construction or maintenance activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

E. The project biologist shall direct the placement of gravel bags, straw logs, silt fences, or equivalent erosion control measures adjacent to all graded areas, and identify locations where spoil may be stockpiled in order to prevent sedimentation of the habitat. The project biologist shall oversee implementation of Best Management Practices (BMPs) as needed to prevent any significant sediment transport.

F. Training of construction crews and field workers by the project biologist shall be provided in order to avoid unnecessary impacts to biological resources in the area.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the Least Bell's Vireo are shown on the construction plans:

A. No clearing, grubbing, grading, or other construction activities including maintenance shall occur between **March 15 and September 15,** the breeding season of the Least Bell's Vireo, until the following requirements have been met to the satisfaction of the City Manager:

a. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Least Bell's Vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction.

b. If the Least Bell's Vireo is present, then the following conditions must be met:

(1) Between March 15 and September 15, no clearing, grubbing, or grading of occupied Least Bell's Vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **and**

(2) Between March 15 and September 15, no construction or maintenance activities shall occur within any portion of the site where construction or maintenance activities would result in noise

levels exceeding 60 dB(A) hourly average at the edge of occupied Least Bell's Vireo habitat. An analysis showing that noise generated by construction or maintenance activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction or maintenance activities. Prior to the commencement of any of construction or maintenance activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **or**

(3) At least two weeks prior to the commencement of construction or maintenance activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Least Bell's Vireo. Concurrent with the commencement of construction or maintenance activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction or maintenance activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

(4) A qualified biologist familiar with Least Bell's Vireo shall monitor occupied areas potentially affected by project construction or maintenance to evaluate if construction or maintenance is adversely affecting vireo. The biological monitor shall have the authority to suspend project activities if there is evidence of changes in vireo behavior related to construction or maintenance activities. In that case, the U.S. Fish and Wildlife Service and California Department of Fish and Game would be notified and construction shall not proceed in that area until the problem has been remedied.

* *Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction or maintenance activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

B. If Least Bell's Vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:

a. If this evidence indicates the potential is high for Least Bell's Vireo to be present based on historical records or site conditions, then condition 1.A.a.(3) shall be adhered to as specified above.
b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the Southwestern Willow Flycatcher are shown on the construction plans:

A. No clearing, grubbing, grading, or other construction activities including maintenance shall occur between **May 1 and September 1,** the breeding season of the Southwestern Willow Flycatcher, until the following requirements have been met to the satisfaction of the City Manager:

a. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Southwestern Willow Flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction.

b. If the Southwestern Willow Flycatcher is present, then the following conditions must be met:

(1) Between May 1 and September 1, no clearing, grubbing, or grading of occupied Southwestern Willow Flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **and**
(2) Between May 1 and September 1, no construction or maintenance activities shall occur within any portion of the site where construction or maintenance activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied Southwestern Willow Flycatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction or maintenance activities. Prior to the commencement of any of construction or maintenance activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **or**
(3) At least two weeks prior to the commencement of construction or

maintenance activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction or maintenance activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Southwestern Willow Flycatcher. Concurrent with the commencement of construction or maintenance activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction or maintenance activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 2).

(4) A qualified biologist familiar with Southwestern Willow Flycatcher shall monitor occupied areas potentially affected by project construction or maintenance to evaluate if construction or maintenance is adversely affecting flycatcher. The biological monitor shall have the authority to suspend project activities if there is evidence of changes in flycatcher behavior related to construction or maintenance activities. In that case, the U.S. Fish and Wildlife Service and California Department of Fish and Game would be notified and construction shall not proceed in that area until the problem has been remedied.

* *Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction or maintenance activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

B. If Southwestern Willow Flycatcher are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and September 1 as follows:

a. If this evidence indicates the potential is high for Southwestern Willow Flycatcher to be present based on historical records or site conditions, then condition 1.A.a.(3) shall be adhered to as specified above.
b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

RAPTORS

Prior to the preconstruction meeting, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting raptors within the impact area. The results of the survey shall be forwarded to Mitigation, Monitoring, and Coordination (MMC) for review 30 days prior to the meeting. If nesting raptors are present, then no construction shall be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, no active nest shall be removed until after the breeding season.

The environmental mitigation measures listed above shall be shown on the construction plans or referenced under the heading, "Environmental Requirements".

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

Federal Government
- U.S. Environmental Protection Agency (19)
- U.S. Fish and Wildlife Service (23)
- U.S. Army Corps of Engineers (26)

State of California
- California Department of Fish and Game (32)
- California Regional Water Quality Control Board (44)
- California Coastal Commission (47)

City of San Diego
- Councilmember Peters, District 1
- Development Services Department
- Library (81)

Torrey Pines Community Planning Group (469)
Torrey Pines Association (472)
California Department of Parks and Recreation (474)
Carmel Mountain Conservancy (476)
Milton Phegley (478)
Friends of Los Penasquitos Canyon Preserve, Inc. (382)
Los Penasquitos Canyon Preserve Citizens (385)
Sierra Club (165)
San Diego Natural History Museum (166)
Audubon Society (167)
California Native Plant Society (170)
Wetlands Advisory Board (171)
Stuart Hurlbert (172)
Center for Biological Diversity (176)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182)
Historical Resources Board (87)
Jerry Schaefer, Ph.D. (209)
South Coastal Information Center (210)

San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louis Guassac (215A)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
* Barona Group of Capitan Grande Band of Mission Indians (225A)
* Campo Band of Mission Indians (225B)
* Cuyapaipe Band of Mission Indians (225C)
* Inaja and Cosmit Band of Mission Indians (225D)
* Jamul Band of Mission Indians (225E)
* La Posta Band of Mission Indians (225F)
* Manzanita Band of Mission Indians (225G)
* Sycuan Band of Mission Indians (225H)
* Viejas Group of Capitan Grande Band of Mission Indians (225I)
* Mesa Grande Band of Mission Indians (225J)
* San Pasqual Band of Mission Indians (225K)
* Santa Ysabel Band of Diegueno Indians (225L)
* La Jolla Band of Mission Indians (225M)
* Pala Band of Mission Indians (225N)
* Pauma Band of Mission Indians (225O)
* Pechanga Band of Mission Indians (225P)
* Rincon Band of Luiseno Mission Indians (225Q)
* Los Coyotes Band of Mission Indians (225R)
* Public Notice Only

VII. RESULTS OF PUBLIC REVIEW:

( ) No comments were received during the public input period.

( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

(X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

Allison Sherwood

Allison Sherwood, Senior Environmental Planner
Development Services Department

November 14, 2005

Date of Draft Report

February 15, 2006

Date of Final Report

Analyst: Clark

San Diego County Archaeological Society, Inc.

Environmental Review Committee

26 November 2005

To: Ms. Donna Clark
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Los Peñasquitos Lagoon Basin
Project No. 47248

Dear Ms. Clark:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

1. Based on the information contained in the DMND, initial study and cultural resources survey report for the project, we agree with the impact analysis and mitigation measures as specified in the DMND.

SDCAS appreciates the opportunity to participate in the public review of this project's environmental documents.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Tierra Environmental Services
SDCAS President
File

1. Comment noted.

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

From: Gina Washington
To: DSDEAS@sandiego.gov
Date: 12/3/2005 2:05:39 PM
Subject: Project No. 47248 Los Penasquitos Lagoon Basin Mitigated Neg Dec

Comments from Los Penasquitos Canyon Preserve Senior Park Ranger Gina Washington:

1. The Park and Recreation Department is not on the distribution list. P&RD Open Space Division needs
2. to be included in the planing and development of this project as it occurs on P&R property, under the purview of Los Penasquitos Canyon Preserve Sr. Park Ranger Gina Washington.

2. Initial Study, I. Purpose and Main Features page 2:
3. The plan calls for an outlet pipe. Pipes tend to plug up and become useless over time, a different outlet should be considered.

4. "A maintenance and monitoring program has been prepared" Who will be responsible for the maintenance and monitoring and for how long? If it is the City, has there been funding set aside for this?

3. There was nothing mentioned in the Mitigated Neg Dec about impacts to recreational trail use during
5. the construction period though the plan calls for using the access road/trail for access to the project site. That is a high use trail, therefore, at a minimum, signage warning of construction is required.

Gina Washington, Senior Park Ranger
Los Penasquitos Canyon Preserve
Open Space Division
City of San Diego Park and Recreation Department
858-538-8066
gwashington@sandiego.gov

CC: Ann Hix; Joshua Garcia

2. Comment noted.

3. This project was designed with a standpipe and outlet to drain the basin as sediment accumulates. The basin was designed to minimize sediment entering the outlet pipe, although sediment will accumulate overtime and maintenance will be required to remove sediment. The outlet is the industry standard design for draining sediment basins and there is no other practical alternative that would operate as efficiently

4. A maintenance and monitoring program was prepared. An agreement between the applicant and City Park and Recreation staff has determined that a condition of the development permit will be that the monitoring entity and the funding will be determined prior to the issuance of the grading permit.

5. The trail will be closed during construction. It would be too dangerous to have construction equipment and trail users share the access road. A note will be added to the plans to say the contractor will post a sign notifying trail users the trail will be closed during construction.

SAN DIEGO AUDUBON SOCIETY
4891 Pacific Highway, Suite 112 • San Diego, CA 92110 • 619/682-7200 • Fax 619/682-7212

December 3, 2005

Ms. Donna Clark
Environmental Planner
City of San Diego Development Services Center
1222 First Ave., MS 501
San Diego, CA 92101

Re: Draft Mitigated Negative Declaration JO: 423237
Los Penasquitos Lagoon Basin

Dear Ms. Clark:

The San Diego Audubon Society has reviewed the proposed wetland protection and restoration basin document and supports this project. However, we have several questions concerning the proposal.

The description of the basin's function is rather brief and vague. Is the only purpose of the basin to trap silt during high flow conditions? It would be beneficial to water quality if some wetland vegetation were allowed to grow in the basin and act as a filtering
6. mechanism for pollutants during low flow conditions. A limited amount of this vegetation should be preserved each year during the annual cleanout to encourage new growth. Also, it would seem that the best time to schedule the cleanout would be just after the winter rains.

When flow rates are low, will the creek flow through the basin or the natural channel, or both? Apparently the basin will be significantly lower than the normal water level of the creek since water will pond in the basin after a flood event. Does this water become
7. stagnant or does it flow through the basin via the outlet pipe until the basin is drained empty? Will there be significant impacts to wildlife, especially birds, amphibians and fish, as the pond slowly dries up.

What is the restoration function of the basin, other than trapping silt? During a flood
8. event, does most of the creek flow into the basin continually, or does the basin simply fill with water and have minimal function once full?

The aerial photos in the Biological Report show several trails running along the northern
9. edge of the proposed basin. Will these trails be impacted and restored if necessary?

A significant amount of trash is being dumped into Penasquitos Creek from the area
10. behind the rental storage units on the south side of the creek -- directly across from the project area. Full plastic garbage bags, construction material and overflow trash from the

6. The sole purpose of the sediment basin is to trap sediment during low and medium flow conditions. High flows will bypass the basin. The basin will accumulate sediment, which needs to be removed periodically; therefore any established vegetation will need to be removed during the maintenance activities. Most maintenance activities will be scheduled following the winter rains; however in years of heavy rain, the basin may need to be cleaned out more frequently.

7. During low flow conditions, water will flow through the natural channel and the basin. The basin is designed to drain as the creek level decreases. The water level in the basin will match the level in the creek. Water will not be in the basin for extended periods of time; therefore, impacts to wildlife will be minimal.

8. The basin is designed to restore Los Penasquitos Lagoon downstream by reducing the amount of sediment that reaches the Lagoon from the creek. During major events, the flow will bypass the basin. The basin will continue to function when inundated by allowing the sediment to settle out of the water column.

9. A portion of the trails will be realigned and restored.

10. Preventing trash from entering the creek is not part of this project.

dumpsters go right into Penasquitos Creek since there is no fencing to contain it. I strongly recommend that a 6-foot chain link fence be installed around the dumpster and parking area to avoid contamination of the wetland habitat.

Los Penasquitos Lagoon certainly needs all the help it can get in reducing silt buildup and pollution from urban runoff. We hope this project will be optimized to provide a significant benefit for both problems.

Sincerely,

Mel Hinton

Mel Hinton
President

STATE OF CALIFORNIA - RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110
(619) 688-3260 FAX (619) 688-3229

Arnold Schwarzenegger, Governor
RUTH COLEMAN, DIRECTOR

December 5, 2005

Donna Clark, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Los Peñasquitos Lagoon Basin Draft Mitigated Negative Declaration JO:423237

Dear Ms. Clark,

We strongly support the Los Peñasquitos Lagoon Basin project as proposed, and appreciate the efforts of the Los Peñasquitos Lagoon Foundation in helping to protect wetland habitats at Torrey Pines State Reserve. Despite the potential of some temporary and minor
11. environmental impacts resulting from construction of the basin, we feel the proposed project will greatly benefit the Lagoon by reducing the deleterious effects of excessive sedimentation within the Los Peñasquitos Creek Watershed.

If you have any questions, please feel free to contact Environmental Scientist Darren Scott Smith at (619) 278-3785

Sincerely,

Ronilee Clark
State Park Superintendent

cc Darren Scott Smith
Reading File

11. Comment noted.

6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5902 + 9618

4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-4668.1

Robert J. Manis, Assistant Deputy Director
City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, Mail Station 501
San Diego, California 92101

LAND DEVELOPMENT REVIEW

DEC 09 2005

DEVELOPMENT SERVICES

Attn: Donna Clark

Subject: Comments on the Mitigated Negative Declaration for the Los Penasquitos Lagoon Basin, City of San Diego, San Diego County, California (CEQA-2005-1087-R5)

Dear Mr. Manis:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Mitigated Negative Declaration (MND) for the Los Penasquitos Lagoon Basin project, City of San Diego (City), San Diego County, California. The proposed project is located on the northern bank of the Los Penasquitos Creek within the Los Penasquitos Canyon Preserve and partially located with the City's Multiple Habitat Planning Area (MHPA). This reach of Los Penasquitos Creek is an engineered channel with rip-rap banks and is north of the business parks along Sorrento Valley Boulevard and east of Vista Sorrento Parkway.

The project includes construction and maintenance of an approximate three-acre wetland protection and restoration basin (basin) to help enhance and restore the downstream Los Penasquitos Lagoon from further degradation by sediments. The project would consist of excavating approximately 30,500 cubic yards to create the basin. The basin would intercept drainage and sedimentation from the small watersheds to the north. The northern basin slope would be graded to appear natural. The existing rip-rap levee along the north bank of the creek and the southern portion of the basin would be removed at the basin entrance and lowered along the remainder of the basin reach to allow high flows to overtop it and return to the existing channel. A headwall and outlet pipe at the west end of the new basin would allow ponded water in the basin to discharge slowly back into the channel after storm events. The access road constructed as part of the El Cuervo Norte mitigation would be used to access the proposed project site. Construction equipment would be staged in the disturbed areas north of the access road. All work would be performed from the embankment with no equipment within the creek bed. It is expected that maintenance activities will remove sediment from the basin at least once a year.

TAKE PRIDE IN AMERICA

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In Reply Refer To:
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Robert J. Manis, Assistant Deputy Director
City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, Mail Station 501
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LAND DEVELOPMENT REVIEW

DEC 09 2005

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Attn: Donna Clark

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Dear Mr. Manis:

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The project includes construction and maintenance of an approximate three-acre wetland protection and restoration basin (basin) to help enhance and restore the downstream Los Penasquitos Lagoon from further degradation by sediments. The project would consist of excavating approximately 30,500 cubic yards to create the basin. The basin would intercept drainage and sedimentation from the small watersheds to the north. The northern basin slope would be graded to appear natural. The existing rip-rap levee along the north bank of the creek and the southern portion of the basin would be removed at the basin entrance and lowered along the remainder of the basin reach to allow high flows to overtop it and return to the existing channel. A headwall and outlet pipe at the west end of the new basin would allow ponded water in the basin to discharge slowly back into the channel after storm events. The access road constructed as part of the El Cuervo Norte mitigation would be used to access the proposed project site. Construction equipment would be staged in the disturbed areas north of the access road. All work would be performed from the embankment with no equipment within the creek bed. It is expected that maintenance activities will remove sediment from the basin at least once a year.

TAKE PRIDE IN AMERICA

The proposed project would impact 2.98 acres of disturbed upland habitat, defined as ruderal, and 0.009 acre of southern willow scrub. Appropriate habitat for the federally and state listed endangered least Bell's vireo (*Vireo bellii pusillus*, vireo) and southern willow flycatcher (*Empidonax traillii extimus*, flycatcher), and state listed endangered Belding's Savannah sparrow (*Passerculus sandwichensis beldingi*) occurs within Los Penasquitos Creek located within and adjacent to the project area. Focused surveys did not detect Belding's Savannah sparrow and the applicant does not expect that they occur within the project vicinity due to its isolation from other areas of southern coastal salt marsh. Focused surveys for vireo detected two male vireos within Los Penasquitos Creek south of the project site. As such, project construction and maintenance has the potential to affect vireo by generating excessive noise levels in occupied vireo habitat.

To avoid impacts to vireo and flycatcher, the Biological Resources section of the Mitigation, Monitoring, and Reporting Program (MMRP) for the project requires that project construction activities occur outside the breeding season of the vireo (March 15 to September 15) and flycatcher (May 1 to September 1), unless Service protocol surveys demonstrate that the vireo and flycatcher are absent from areas in which habitat is to be cleared or construction noise levels exceed a 60 decibels [dB(A) Leq] hourly average. Due to the proximity of the project to documented occurrences of vireo, the Wildlife Agencies recommend that the applicant plan to conduct all clearing of potential habitat and/or activities that generate noise levels above 60 dB(A) Leq or ambient average levels in potential habitat outside the vireo breeding season. Such project activities should only occur during the breeding season if it demonstrated to be absolutely necessary. In addition, we recommended that conditions addressing the following comments be added to the MMRP's to assure that impacts are avoided throughout the life of the project.

1. It is not clear from the MMRP that the mitigation measures to avoid impacts to vireo and flycatcher
12. will be implemented during the anticipated annual maintenance of the basin. As such, the Wildlife Agencies recommend that the MMRPs be amended to also require that measures to avoid impacts to vireo and flycatcher during project construction also be required during maintenance of the basin.

2. The MMRP states that noise monitoring shall occur at least twice weekly on varying days, or more frequently depending on the construction activity. The Wildlife Agencies recommend that noise construction monitoring occur continuously (i.e., at least hourly) at the edge of occupied vireo and flycatcher habitat when construction noise has the potential to generate noise levels that exceed 60
13. dB(A) in vireo and flycatcher occupied habitat. The acoustician shall have the authority to suspend construction or maintenance activities when noise levels exceed 60 dB(A) Leq or average ambient levels in suitable vireo or flycatcher habitat. If noise levels exceed this level, the Service and Department shall be notified and construction or maintenance activities shall cease until hourly noise levels are effectively attenuated below 60 dB(A) Leq or average ambient levels.

3. The Wildlife Agencies recommend that a mitigation measure be added to the MMRP requiring that a biologist familiar with vireo and flycatcher survey and monitor vireo and flycatcher in areas
14. potentially affected by project construction or maintenance to evaluate if construction or maintenance is adversely affecting them. The biological monitor shall have the authority to suspend project activities if there is evidence of changes in vireo or flycatcher behavior related to construction or

12. The mitigation measures pertaining to Least Bell's Vireo and Southwestern Willow Flycatcher have been amended to include maintenance activities.

13. If construction or maintenance would occur during breeding season, MMC, as a matter of course, would require the preparation of a plan outlining the type of equipment to be used and the duration of use. Included would be the recommendation of the acoustician regarding the frequency of noise monitoring. MMC would have the authority to require more frequent monitoring, if it was deemed necessary.

14. See revised mitigation measures.

17. Comment noted.

Lieberman of the Service at (760) 431-9440 extension 240, or Kelly Fisher of the Department at (858) 467-4207.

Sincerely,

Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

cc: San Diego Regional Water Quality Control Board
U.S. Army Corps of Engineers
State Clearinghouse

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 47248

SUBJECT: **LOS PENASQUITOS LAGOON BASIN:** COASTAL DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT to construct a wetland protection and restoration basin with a new headwall and outlet pipe at the west end of the new basin. The proposed project is located east of Vista Sorrento Parkway and north of Sorrento Valley Boulevard, on the north bank of Los Penasquitos Creek adjacent to the business park along Sorrento Valley Boulevard, within the Coastal Zone, Torrey Pines Community Planning Area, and the Los Penasquitos Canyon Preserve. Applicant: Los Penasquitos Lagoon Foundation.

I. PURPOSE AND MAIN FEATURES:

The proposal is a Coastal Development Permit/Site Development Permit, Process 3, Hearing Officer decision. The Los Penasquitos Lagoon is a 1.6 square mile coastal lagoon that receives freshwater drainage from a 100 square mile watershed comprised of three major tributaries: Carroll Canyon, Los Penasquitos Canyon, and Carmel Valley. The State Water Resources Control Board has listed Los Penasquitos Lagoon as an impaired water body for sedimentation. The rapid urbanization of the watershed, construction of the railroad through the lagoon in the late 19th century, and the development of land adjacent to the lagoon has resulted in accelerated sedimentation in the lagoon headwaters and within the lagoon. This accelerated sedimentation has altered the ability of the lagoon to maintain the tidal influence of the lagoon that sustains the historical ecosystems. The accelerated sedimentation causes a reduction of the tidal mixing within the lagoon channels, degradation of riparian and salt marsh vegetation, increased flooding of infrastructure and property, turbitity associated with siltation in the lagoon channels, and construction of a main wildlife corridor.

Los Penasquitos Creek is the largest watershed discharging into the lagoon and the largest potential contributor of sediment to the lagoon. It is also the least developed in percentage of area. Therefore, it is to be the target tributary for the proposed project. The lower reach of the creek, from its confluence with Carroll Canyon Creek to the east end of the business park north of Sorrento Valley Boulevard, a distance of approximately 4,500 feet, is an engineered channel with rip-rap banks and invert. Most of the sediment carried into this reach is deposited just downstream of the confluence and in the lower reach of the creek under the railroad and Sorrento Valley Road crossings.

The project would include the construction of a wetland protection and restoration basin on the north side of Los Penasquitos Creek adjacent to the business park along Sorrento Valley Boulevard to help enhance and restore the downstream Los Penasquitos Lagoon from further degradation by sediment. The project would consist of excavating approximately 30,500 cubic yards to create the basin. The northern basin slope would be graded to appear natural. The small watersheds to the north would discharge into the basin, intercepting their sediment in the basin. The existing rip-rap levee along the north bank of the creek would be removed at the basin entrance and lowered along the remainder of the basin reach to allow high flows to overtop it and return to the existing channel. A headwall and outlet pipe at the west end of the new basin would allow ponded water in the basin to discharge slowly back into the channel after storm events.

The access road constructed as part of the El Cuervo Norte mitigation plan would be used to access the proposed project site. Construction equipment would be staged in the disturbed areas north of the access road. All work would be performed from the embankment with no equipment within the creek bed.

A maintenance and monitoring program has been prepared that consists of the following:

- Sediment will be removed when it reaches a maximum depth of two feet. Markings on the outlet headwall will indicate depth of sediment in the basin.
- The basin will be cleaned at least once each year.
- The basin will be inspected after every significant rain event.
- During long-term storm events, the basin will be inspected at least every 24 hours.
- The basin will be inspected a minimum of every two weeks during the rainy season.
- In addition to inspecting and monitoring for accumulated sediment, the basin will be inspected for:
  - The integrity of the outlet headwall.
  - Damage or erosion to the outlet embankment.
  - Erosion or slope failure along drainage paths from upstream hillside.
- The outlet structure will be cleaned as needed to prevent standing water and to maintain hydraulic capacity.

II. ENVIRONMENTAL SETTING:

The proposed project is located on an approximately three-acre parcel located east of Vista Sorrento Parkway and north of Sorrento Valley Boulevard, on the north bank of Los Penasquitos Creek, within the Torrey Pines Community Planning Area and the Los Penasquitos Canyon Preserve. (See Figures 1 and 2)

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

The following environmental issues were considered during review and determined to be significant.

Paleontological Resources

The project area is underlain with Bay Point Formation, a geologic formation that has produced large and diverse assemblages of well-preserved marine invertebrate fossils, primarily molluscs. Remains of fossil marine vertebrates such as sharks, rays, and bony fishes have also been recovered. Therefore, the Bay Point Formation has been assigned a high paleontological resource sensitivity. In addition, several known sites are located within a mile of the project site. Based on the sensitivity of the formation and the proposed excavation depth of over ten feet, the project could result in significant impacts to paleontological resources. To reduce this impact below a level of significance, excavation within previously undisturbed formations shall be monitored by a qualified paleontologist or paleontological monitor. Any significant paleontological resources encountered shall be recovered and curated, as outlined in Section V. of the Mitigated Negative Declaration. These measures would ensure that any impacts to paleontological resources would be reduced to below a level of significance.

Historical Resources (Archaeology)

The project site is located in an area of high cultural and historical resource sensitivity. An archaeological survey and records literature search were performed and a report prepared by Tierra Environmental Services titled "Cultural Resources Survey of the Los Penasquitos Lagoon Wetland Protection and Restoration Project 1, City of San Diego, California", dated August, 2004. The report is available for review in the offices of Land Development Review. According to the report, no archaeological resources were identified within the project area during the survey. The records search resulted in the identification of 37 cultural resources within a one-mile radius of the project area. Due to the proximity of known archaeological resources, the construction of the proposed project could have a significant impact to historical resources. However, mitigation measures outlined in Section V. of the Mitigated Negative Declaration would reduce these potential impacts to a level below significant.

Biological Resources

The proposed project is located in an area of sensitive biological resources. A biology report was prepared by Tierra Environmental Services titled "Biological Resources Report for the Los Penasquitos Lagoon Wetland Protection and Restoration Project", dated September 1, 2004. The report is available for review in the offices of Land Development Review. A biological survey was conducted on April 12, 2004, between the hours of 10:30 am and 12:30 pm, to evaluate the biological resources existing in three alternative project locations and the potential for impacts to existing resources due to the proposed project. Alternative A is situated immediately east of Vista Sorrento Parkway,

north of a business park located north of Sorrento Valley Boulevard, Alternative B is situated approximately 400 feet east of Alternative A, and Alternative C is located approximately 800 feet east of Alternative B. Based on the potential impacts to sensitive biological resources in the three alternative sites, Alternative B was determined to have fewer impacts and is the alternative analyzed in the Mitigated Negative Declaration. Therefore, the following biological resources discussion is limited to Alternative B only.

The habitat on the site of Alternative B consists of disturbed upland with black mustard (*Brassica nigra*) and Indian sweetclover (*Melilotus indica)* as the dominant plant species. According to the report, there is no hydrologic connection between this area and Los Penasquitos Creek. However, individual willows associated with southern willow scrub south of the site occur along the rip-rapped slope of Los Penasquitos Creek, within the boundaries of this alternative. Appropriate habitat for federally and state listed least Bell's vireo (*Vireo bellii pusillus)* and Belding's Savannah sparrow *(Passerculus sandwichensis beldingi)* occurs on the project site. The United States Fish and Wildlife Service (USFWS) does not currently have an established protocol for conducting focused surveys for Belding's Savannah sparrow. However, there is a USFWS protocol for conducting focused surveys for least Bell's vireo. A focused survey for Belding's Savannah sparrow was conducted by Varanus Biological Services on June 3, 2004, between the hours of 8:30 am and 9:00 am. The results were negative. This species is not expected to occur due to the lack of hydrologic connection with Los Penasquitos Creek and its isolation from other areas of southern coastal salt marsh. Eight focused surveys for least Bell's vireo were conducted according to USFWS-approved protocol on April 12 and 23; May 3, 13, and 24; and June 2, 14, and 24, 2004. Two male least Bell's vireos were detected south of the project site. At least one male vireo was detected during each of the eight surveys.

In addition, appropriate habitat for federally and state endangered southwestern willow flycatcher was detected on the project site. Although focused surveys for this species were not conducted, focused surveys for least Bell's vireo were conducted in southern willow scrub, potentially appropriate habitat for southwestern willow flycatcher. Southwestern willow flycatcher was not detected during focused surveys for least Bell's vireo. Furthermore, due to the limited distribution of southwestern willow flycatcher in San Diego County, this species is not expected to occur on or in the vicinity of the project site.

The proposed project would impact 2.98 acres of disturbed upland habitat and 0.009 acre of southern willow scrub. Impacts to disturbed habitat are not considered significant and do not require mitigation. Wetland impacts less than 0.01 acre are not considered significant and also do not require mitigation. Southern willow scrub on site provides appropriate breeding habitat for least Bell's vireo and southwestern willow flycatcher. In addition, raptors may utilize the southern willow scrub on site and/or trees in the project vicinity. These avian species could experience temporary noise impacts due to project construction. However, mitigation measures outlined in Section V. of the Mitigated Negative Declaration would reduce potential impacts to these avian species to a level below significance.

The following environmental issue was considered during review and determined not to be significant.

Water Quality

Erosion control measures have been incorporated into the project to prevent sedimentation of the habitat. These measures would include, but not be limited to, silt fencing, rice mats, and straw wattles. The erosion control measures would be installed at the direction of the project biologist. In addition, a stabilized construction entrance with tire wash would be installed at the intersection of the construction access road and Vista Sorrento Parkway. Following construction of the sedimentation basin, straw wattles would be placed along the slope until the plants and seed installed as slope revegetation have become established. Once the plantings in the revegetation site have become established, the straw wattles may be removed. No water quality impacts are anticipated due to the proposed project. Therefore, no mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

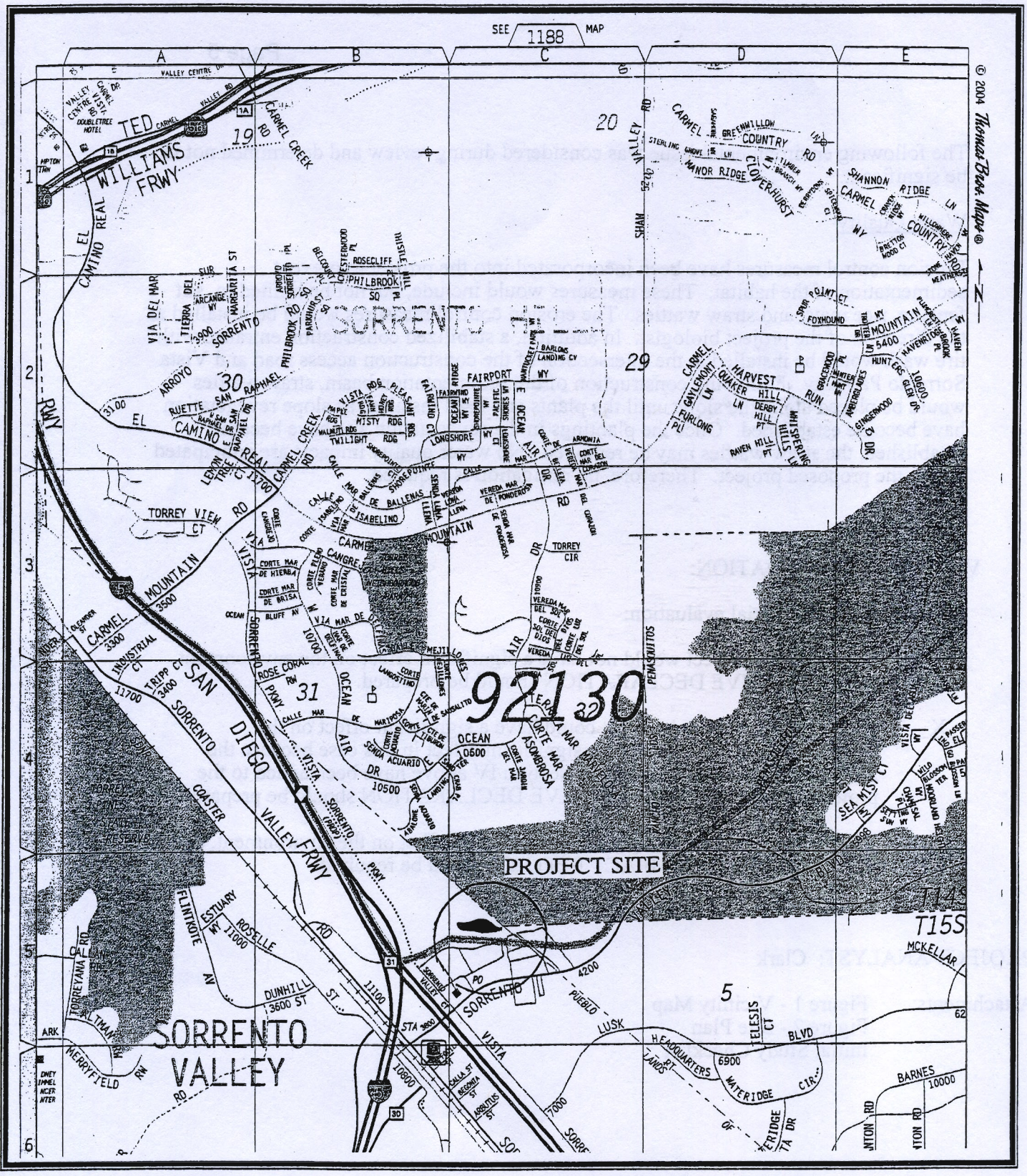
___ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

_X_ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

___ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Clark

Attachments: Figure 1 - Vicinity Map
Figure 2 - Site Plan
Initial Study Checklist



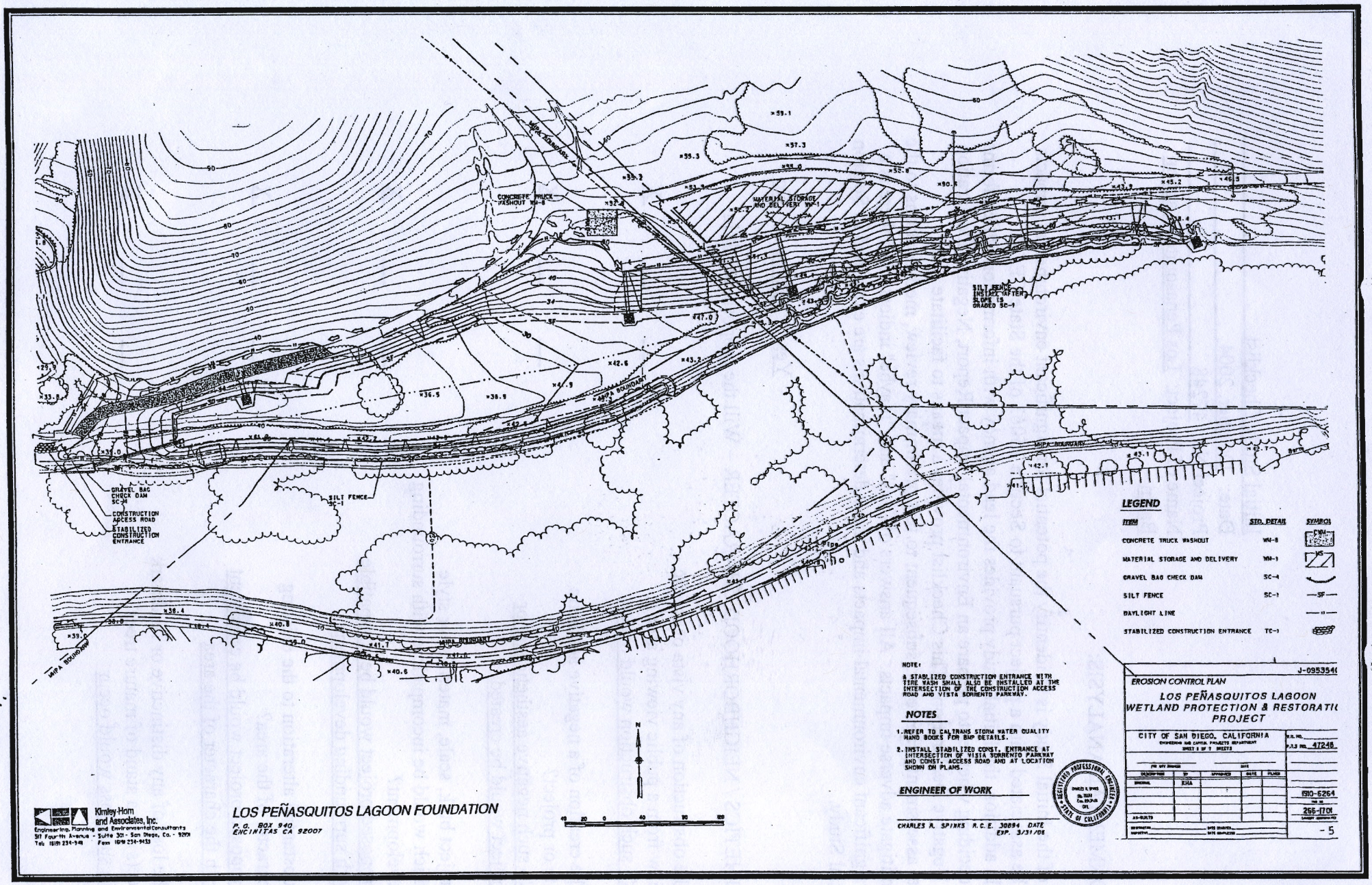
Location Map

LOS PENASQUITOS LAGOON BASIN

Environmental Analysis Section Project No. 47248

CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure 1



Site Plan

LOS PENASQUITOS LAGOON BASIN

Environmental Analysis Section - Project No. 47248

CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure 2

Exhibit 5: Mitigated Negative Declaration

Initial Study Checklist
Date: October, 2004
Project No.: 47248
Name of Project: Los Penasquitos Lagoon Basin

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

	Yes	Maybe	No
I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:			
A. The obstruction of any vista or scenic view from a public viewing area? No such obstruction would occur.	___	___	X
B. The creation of a negative aesthetic site or project? No such negative aesthetic site or project would be created	___	___	X
C. Project bulk, scale, materials, or style which would be incompatible with surrounding development? Proposed project would be compatible with surrounding development	___	___	X
D. Substantial alteration to the existing character of the area? Proposed project would be consistent with the character of the area	___	___	X
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? No such loss would occur	___	___	X

	Yes	Maybe	No
F. Substantial change in topography or ground surface relief features? No such impact would occur	—	—	X
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? No such loss would occur	—	—	X
H. Substantial light or glare? Proposed project would not result in substantial light or glare	—	—	X
I. Substantial shading of other properties? Proposed project would not shade other properties	—	—	X

II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:

A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? No such resources on site	—	—	X
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? No such resources on site	—	—	X

III. AIR QUALITY – Would the proposal:

A. Conflict with or obstruct implementation of the applicable air quality plan? No such conflict or obstruction would occur	—	—	X
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? No such violation would occur	—	—	X

	Yes	Maybe	No
C. Expose sensitive receptors to substantial pollutant concentrations? No such exposure would occur	—	—	X
D. Create objectionable odors affecting a substantial number of people? Proposed project would not create objectionable odors	—	—	X
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? Proposed project would not exceed 100 pounds of particulate matter per day	—	—	X
F. Alter air movement in the area of the project? No such alteration would occur	—	—	X
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? No such alteration would occur	—	—	X
IV. BIOLOGY – Would the proposal result in:			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? See Initial Study Discussion	—	X	—
B. A substantial change in the diversity of any species of animals or plants? See Initial Study Discussion	—	X	—
C. Introduction of invasive species of plants into the area? No such introduction would occur; landscaping would be in conformance with the City of San Diego's Landscape Manual	—	—	X
D. Interference with the movement of any resident or migratory fish or wildlife species			

	Yes	Maybe	No
or with established native resident or migratory wildlife corridors? See Initial Study Discussion	—	X	—
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? See Initial Study Discussion	—	X	—
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? See Initial Study Discussion	—	X	—
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? See Initial Study Discussion	—	X	—
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? Proposed project would not result in the use of excessive amounts of fuel or energy	—	—	X
B. Result in the use of excessive amounts of power? Proposed project would not result in the use of excessive amounts of power	—	—	X
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? No such exposure would occur.	—	—	X

	Yes	Maybe	No
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? No such increase would occur	—	—	X
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Proper engineering design would ensure that the potential for geologic impacts from regional hazards would be less than significant.	—	—	X

VII. HISTORICAL RESOURCES – Would the proposal result in:

A. Alteration of or the destruction of a prehistoric or historic archaeological site? See Initial Study Discussion	—	X	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? See Initial Study Discussion	—	X	—
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? No known historic resources on site	—	—	X
D. Any impact to existing religious or sacred uses within the potential impact area? See Initial Study Discussion	—	X	—
E. The disturbance of any human remains, including those interred outside of formal cemeteries? See Initial Study Discussion	—	X	—

	Yes	Maybe	No
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS : Would the proposal:			
A. Create any known health hazard (excluding mental health)? No such health hazard would occur	—	—	X
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? No such exposure would occur	—	—	X
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? No such risk would occur	—	—	X
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? No such impairment would occur	—	—	X
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? Proposed project is not located on a site which is included on a list of hazardous materials sites	—	—	X
F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? No such hazard would occur	—	—	X
IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:			
A. An increase in pollutant discharges, including down stream sedimentation, to receiving			

	Yes	Maybe	No
waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. See Initial Study Discussion	—	X	—
B. An increase in impervious surfaces and associated increased runoff? No such increase would occur	—	—	X
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? See Initial Study Discussion	—	X	—
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? See Initial Study Discussion	—	X	—
E. A potentially significant adverse impact on ground water quality? No such impact would occur	—	—	X
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? See Initial Study Discussion	—	X	—
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? No such inconsistency would occur	—	—	X
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? No such conflict would occur	—	—	X

	Yes	Maybe	No
waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. See Initial Study Discussion	—	X	—
B. An increase in impervious surfaces and associated increased runoff? No such increase would occur	—	—	X
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? See Initial Study Discussion	—	X	—
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? See Initial Study Discussion	—	X	—
E. A potentially significant adverse impact on ground water quality? No such impact would occur	—	—	X
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? See Initial Study Discussion	—	X	—
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? No such inconsistency would occur	—	—	X
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? No such conflict would occur	—	—	X

	Yes	Maybe	No
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? No such conflict would occur	—	—	X
D. Physically divide an established community? Proposed project would not physically divide an established community			
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan? Proposed project is not located within any aircraft accident potential zone	—	—	X
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? Some minor noise during construction	—	—	X
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? No significant net increase to the existing noise level would occur	—	—	X
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? Consistent with community plan	—	—	X
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? See Initial Study Discussion	—	X	—

	Yes	Maybe	No
XIII. POPULATION AND HOUSING – Would the proposal:			
A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? No such substantial inducement would occur	—	—	X
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? No such displacement would occur	—	—	X
C. Alter the planned location, distribution, density or growth rate of the population of an area? No such alteration would occur	—	—	X
XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			
A. Fire protection? Area services are presently adequate	—	—	X
B. Police protection? Refer to XIV. A.	—	—	X
C. Schools? Refer to XIV. A.	—	—	X
D. Parks or other recreational facilities? Refer to XIV. A.	—	—	X
E. Maintenance of public facilities, including roads? Refer to XIV. A.	—	—	X

	Yes	Maybe	No
F. Other governmental services? Refer to XIV. A.	—	—	X
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? No such impact would occur	—	—	X
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Proposed project does not require recreational facilities to be constructed	—	—	X
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/ community plan allocation? No such impact would occur	—	—	X
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? No such impact would occur	—	—	X
C. An increased demand for off-site parking? No such demand would occur	—	—	X
D. Effects on existing parking? Existing parking would not be effected	—	—	X
E. Substantial impact upon existing or planned transportation systems? No such impact would occur	—	—	X
F. Alterations to present circulation movements including effects on existing			

	Yes	Maybe	No
public access to beaches, parks, or other open space areas? No such alteration would occur	—	—	X
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? No such increase would occur	—	—	X
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? No such conflict would occur	—	—	X
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? Adequate utilities are presently available	—	—	X
B. Communications systems? Refer to XVII. A.	—	—	X
C. Water? Refer to XVII. A.	—	—	X
D. Sewer? Refer to XVII. A.	—	—	X
E. Storm water drainage? Refer to XVII. A.	—	—	X
F. Solid waste disposal? Refer to XVII. A.	—	—	X
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? No such impact would occur	—	—	X
B. Landscaping which is predominantly			

	Yes	Maybe	No
non-drought resistant vegetation? Landscaping would be in conformance with the City of San Diego's Landscape Manual	—	—	X

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

	Yes	Maybe	No
A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? Mitigation measures included in Section V. of the Mitigated Negative Declaration would reduce potential impacts to biological and/or historical resources to a level below significance.	—	—	X
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.) The proposed project would not result in an impact to long-term environmental goals	—	—	X
C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	—	—	X

	Yes	Maybe	No
The proposed project would not result in cumulative impacts			
D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly? Proposed project is the construction of a sedimentation basin at Los Penasquitos Lagoon and would not result in any substantial adverse effects to human beings	—	—	X

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

___ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

_X_ Local Coastal Plan.

___ Site Specific Report:

II. Agricultural Resources / Natural Resources / Mineral Resources

___ City of San Diego Progress Guide and General Plan.

_X_ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

___

III. Air

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

___ Regional Air Quality Strategies (RAQS) - APCD.

___ Site Specific Report:

IV. Biology

_X_ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

_X_ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

X City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

___ Community Plan - Resource Element.

___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

X City of San Diego Land Development Code Biology Guidelines.

X Site Specific Report: "Biological Resources Report for the Los Penasquitos Lagoon Wetland Protection and Restoration Project", dated September 1, 2004, prepared by Tierra Environmental Services.

V. Energy N/A

___

VI. Geology/Soils

X City of San Diego Seismic Safety Study.

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

___ Site Specific Report:

VII. Historical Resources

___ City of San Diego Historical Resources Guidelines.

X City of San Diego Archaeology Library.

___ Historical Resources Board List.

___ Community Historical Survey:

X Site Specific Report: "Cultural Resources Survey of the Los Penasquitos Lagoon Wetland Protection and Restoration Project 1, City of San Diego, California", dated August,2004, prepared by Tierra Environmental Services.

VIII. Human Health / Public Safety / Hazardous Materials

_X_ San Diego County Hazardous Materials Environmental Assessment Listing, 1996.

___ San Diego County Hazardous Materials Management Division

___ FAA Determination

___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

___ Airport Comprehensive Land Use Plan.

___ Site Specific Report:

IX. Hydrology/Water Quality

___ Flood Insurance Rate Map (FIRM).

_X_ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

___ Clean Water Act Section 303(b) list, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html).

X. Land Use

_X_ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

___ Airport Comprehensive Land Use Plan

_X_ City of San Diego Zoning Maps

___ FAA Determination

XI. Noise

_X_ Community Plan

___ San Diego International Airport - Lindbergh Field CNEL Maps.

___ Brown Field Airport Master Plan CNEL Maps.

___ Montgomery Field CNEL Maps.

___ NAS Miramar CNEL Maps.

___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

_X_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego Progress Guide and General Plan.

___ Site Specific Report:

XII. Paleontological Resources

___ City of San Diego Paleontological Guidelines.

_X_ Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

_X_ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

_X_ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report:

XIII. Population / Housing

_X_ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

___ Series 8 Population Forecasts, SANDAG.

___ Other:

XIV. Public Services

_X_ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVI. Transportation / Circulation

___ City of San Diego Progress Guide and General Plan.

_X_ Community Plan.

_X_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:

XVII. Utilities N/A

___

XVIII. Water Conservation N/A

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.